

REMARKS

Claims 1 and 5 to 21 are pending in the application, of which claims 1, 17 and 20 are independent. Favorable reconsideration and further examination are requested.

In the Office Action, claims 1, 6 to 8, and 17 to 19 were rejected under the second paragraph of §112 for the reasons noted on pages 2 and 3 of the Office Action. In particular, the Office Action objects to the word “substantially” and objects to the phase “at a lower position”. Without conceding the propriety of the rejection, the word “substantially” has been removed from the claims. Also, claim 1 has been clarified to recite that the base member is below (e.g., at a lower position than) the engagement members. In view of these amendments, withdrawal of the §112, second paragraph, rejections of the above claims is respectfully requested.

Next, we thank the Examiner for the indication that claims 4, 7, 8, 10 and 19 contain allowable subject matter. As shown above, we have incorporated the subject matter of claim 4, and intervening claims 2 and 3, into independent claim 1. In view of this, and the amendments to overcome the §112 rejection, claim 1 is believed to be patentable over the art.

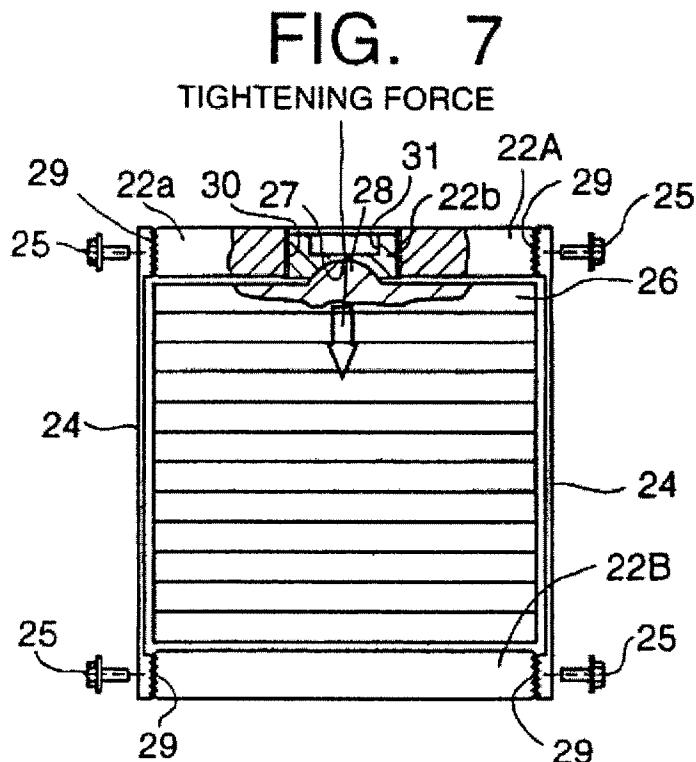
The remaining independent claims, namely claims 17 and 20, were rejected over U.S. Patent Publication No. 2002/0034673 (Bisaka). We respectfully traverse the rejections.

Independent claim 17 recites a fuel compression assembly comprising a carriage unit cradle for receiving a stack of fuel cell plates and for maintaining at least some of the fuel cell plates overlapped, and a closure member adapted to close a carriage unit containing the carriage unit cradle and to apply pressure to the fuel cell plates via automatic locking engagement with

the carriage unit cradle when the closure member is brought into position with the carriage unit cradle in a first direction that is orthogonal to a plane of the fuel cell plates.

Bisaka is not understood to disclose or to suggest the foregoing features of claim 17, particularly with respect to a closure member adapted to close a carriage unit and to apply pressure to the fuel cell plates *via automatic locking engagement* with the carriage unit cradle when the closure member is brought into position with the carriage unit.

More specifically, referring to Fig. 7 (below), Bisaka describes an apparatus for holding a stack of fuel cells.



As described in Bisaka, the fuel cell plates are held in place through a combination of tension plate 24 and an adjustment portion 22b. The tension plate are tightened via screws 25 (paragraph

0067) and the adjustment portion is tightened by rotation using a driver (paragraph 0071). Thus, Bisaka describes applying pressure to fuel cell plates through manual mechanisms, not via automatic locking engagement, as claimed.

The Office Action states the following:

It is the examiners position that this claim is a product by process claim and as such the cradle is capable of receiving fuel cell plates (figure 7), the closure member (22A) will mate and lock once pressure is applied to the engagement (29).

Regarding this statement, claim 17 is clearly not a product-by-process claim. A product-by-process claim is directed to formation of a claimed product via a claimed process. There is no product formed here. Rather, claim 17 recites the function of the closure member, which includes automatic locking engagement with the carriage unit (e.g., via the teeth 19 shown in the embodiment of Fig. 1). As explained above, Bisaka does not disclose or suggest automatic locking engagement, but rather describes manual processes to hold fuel cell plates in place.

For at least the foregoing reasons, claim 17 is believed to be patentable.

Independent claim 20 likewise recites automatically locking the closure member and the cradle when the closure member reaches a predefined degree of compression of the fuel cell plates. As explained above, Bisaka describes manual, not automatic locking. Accordingly, claim 20 is also believed to be patentable over the art.

The remaining art is not cited for, nor is it understood to disclose, the automatic locking as set forth in claims 17 and 20. Accordingly, these claims are believed to be patentable.

Each of the dependent claims is also believed to define patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-521-7896.

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Respectfully submitted,

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